

REMARKS

Claims 18-28 remain pending.

Claims 18 and 21 have been amended to recite, “wherein combinations of symbols across the N columns determine the at least one jackpot winning outcome and the non-jackpot winning outcomes,” to better describe the method of awarding a jackpot(s). Applicant’s Fig. 3 illustrates a jackpot winning combination of five “Fs” along a center payline. However, the amendment only adds to the already distinguishing features of the claims.

Rejection of Claim 18

The examiner rejected independent Claim 18 (among other claims) as being obvious over Wood (US 5,868,619) in view of Slomiany (US 6,159,098).

One example of Claim 18 is shown in Figs. 2-3, reproduced below.

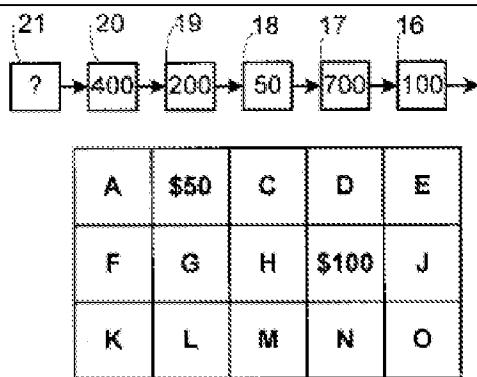


Fig. 2

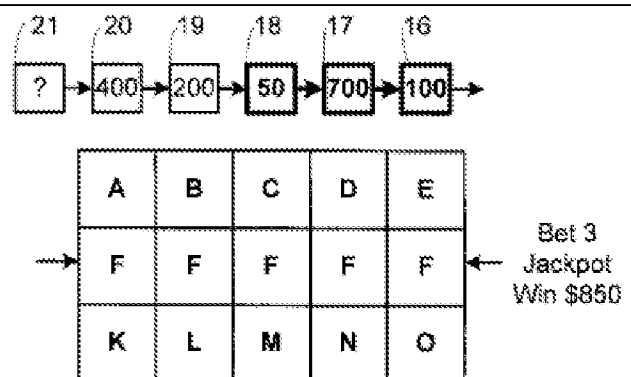
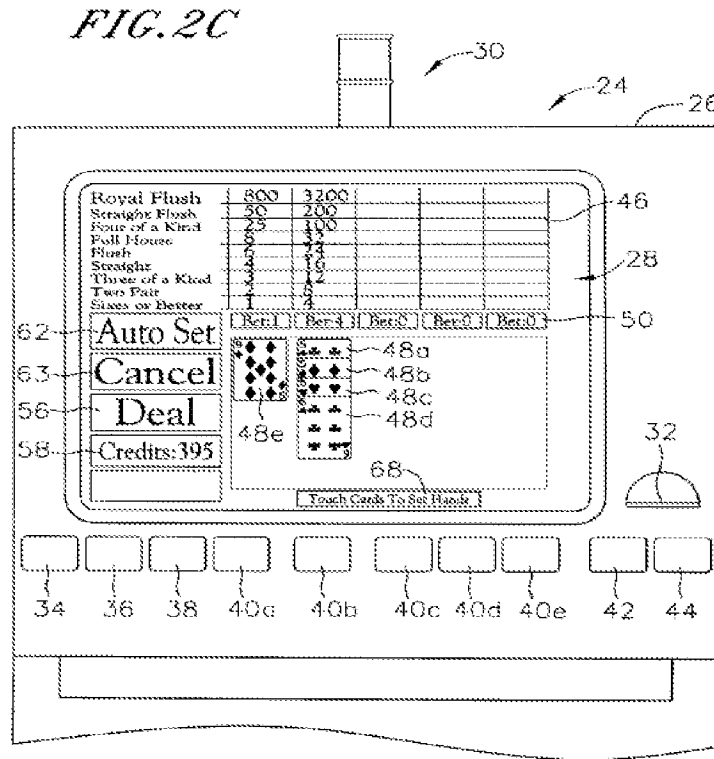


Fig. 3

In Figs. 2-3, there are 5 jackpots (16-20), each associated with a column of symbols (a reel). The reels have values on them (Fig. 2) that increment the jackpot for that column. The player wins one or more of the 5 jackpots upon achieving a jackpot-winning outcome (e.g., five F’s). In one embodiment, each additional bet causes the player to win an additional jackpot upon receiving a jackpot-winning outcome (Fig. 3).

Wood describes a multi-hand video poker game where the player is dealt cards, and the player can move the cards into as many as five hands, where the cards are vertically arranged. A representative example of the Wood game is reproduced below.



The player pays for the cards and is allowed to rearrange them to create one or more hands. In Fig. 2, the number of cards in a hand multiplies the payable for that hand. The payable cannot be increased by having certain cards in the hand, and that would not make sense in a poker game. The payable is predetermined based upon the odds of achieving each particular hand.

The examiner equated Wood's displaying of the card-hand paytables above each hand as the Claim 18 element of: "simultaneously displaying a plurality of jackpots to a player, each one of the N columns being associated with a particular jackpot within the plurality of jackpots, such that there are N jackpots simultaneously displayed to the player that are associated with the columns."

The “jackpots” of Claim 18 were not intended to cover predetermined paytables, such as for particular hands of cards, since Applicant’s jackpots must be able to be incremented upon “jackpot incrementing symbols” being displayed in the columns. To better distinguish Applicant’s invention from Woods, Applicant has better defined the primary game and the jackpot-incrementing symbols.

Claim 18 has been amended to include the element, “generating an outcome of a primary game, the primary game generating at least one jackpot winning outcome and non-jackpot winning outcomes, wherein the primary game comprises displaying a plurality of symbols in at least one row and in N columns, where N is at least three, wherein combinations of symbols across the N columns determine the at least one jackpot winning outcome and the non-jackpot winning outcomes, and wherein only some of the symbols include jackpot-incrementing symbols.” In the Woods game of Fig. 2, the cards in the different hands are not used to form combinations across the columns of cards. Further, there are no special “jackpot-incrementing cards” in Woods, even though each card added to a hand multiplies the payout table. Therefore, Woods does not include the Claim 18 limitation of “wherein only some of the symbols include jackpot-incrementing symbols.”

Claim 18 also includes the limitation, “incrementing a particular one of the N jackpots associated with a particular column when at least one of the jackpot-incrementing symbols is displayed in that particular column.” The examiner admits that Wood does not have that limitation.

To show the claim element of incrementing the jackpot by a jackpot-incrementing symbol, the examiner relies on Slomiany. The pertinent part of Slomiany is in col. 4, lines 40-42, where it is described that certain symbol combinations increase the value of a single progressive jackpot (displayed in the bank 28 in Fig. 4), which is ultimately won by a player obtaining three “Break the Bank” symbols across a payline (col. 5, line 64, to col. 6, line 3).

In Slomiany, there is only one progressive jackpot, and there is no suggestion of increasing jackpots associated with particular columns upon the display of a jackpot-incrementing symbol in that column. Further, it would make no sense for Wood to identify

some cards (but not all cards) as jackpot-increasing symbols to increase the payable for each hand. In poker, the payable is defined by the odds of certain hands occurring using a 52 card deck. Further, since Slomiany is a reel-type game forming combinations of symbols across paylines, there is no suggestion of somehow modifying Wood to include a progressive jackpot for each column.

Although Woods describes, in col. 10, lines 7-28, that the cards can be replaced with other symbols to create hands, the underlying game is identical. It would be impermissible hindsight to take an aspect from Slomiany (increase single jackpot with symbol combination), then put it in Woods, then further modify Woods (increase jackpot per column using jackpot-increasing symbols in the column) in a way that is inconsistent with Woods and Slomiany.

Accordingly, it is respectfully submitted that Claim 18 and its dependent claims are allowable.

Rejection of Claim 21

Claim 21 was also rejected based on the combination of Wood and Slomiany.

Independent Claim 21 has been amended to be more closely related to Claim 18 but does not expressly associate each of the jackpots with a column.

Like Claim 18, Claim 21 has been amended to more particularly describe the primary game to better distinguish it from Wood's multi-hand game where cards in a hand (or other symbols making a hand) are displayed in a column along with the payable for that column. Claim 21 now includes, "wherein combinations of symbols across a plurality of the columns determine the at least one jackpot winning outcome and the non-jackpot winning outcomes." Claim 21 has also been amended to recite, "wherein only some of the symbols are jackpot-incrementing symbols."

Claim 21 also includes the following elements:

simultaneously displaying a plurality of different jackpots to a player that may be won in a single game;

incrementing at least one of the jackpots based on, at least in part, the occurrence of at least one of the jackpot-incrementing symbols displayed in the primary game, wherein each jackpot is incremented based on different criteria; and

awarding one or more of the jackpots to a player in response to the certain jackpot winning outcome occurring in a current game, wherein a plurality of the jackpots is awarded in a single game if certain conditions are met, and wherein the particular number of jackpots awarded is based on certain conditions other than an outcome of the game.

In Wood, the payable for a hand is only multiplied when an additional card is moved to the hand. Even assuming that each payable above a hand displays a jackpot, there is no element of “incrementing at least one of the jackpots based on, at least in part, the occurrence of at least one of the jackpot-incrementing symbols displayed in the primary game, wherein each jackpot is incremented based on different criteria,” as recited in Claim 21. In Claim 21, “only some of the symbols are jackpot-incrementing symbols.” The incrementing may be due to one jackpot-increasing symbol being displayed or a combination of jackpot-increasing symbols being displayed.

Further, the only way that an award is won for a hand is if the hand is one of the identified hands in the payable. Claim 21 recites, “wherein the particular number of jackpots awarded is based on certain conditions other than an outcome of the game.” That claim limitation is inconsistent with the awarding of credits for specific hands (outcomes) in Wood.

Even though Slomiany teaches to increment a progressive jackpot when certain symbol combinations are obtained, the combination of Wood and Slomiany could not suggest the limitation of “wherein a plurality of the jackpots is awarded in a single game if certain conditions are met, and wherein the particular number of jackpots awarded is based on certain conditions other than an outcome of the game.” In any combination of Slomiany and Wood, an award is based on the outcome of the game (e.g., a card hand or three Break the Bank symbols). Further, there would be no suggestion of incrementing different jackpots using the jackpot-incrementing symbols, since Wood’s jackpots are predetermined based on the odds of achieving certain hands, and Slomiany only discloses a single jackpot (bank 28) won by a special symbol combination.

Therefore, it is respectfully submitted that Claim 21 and its dependent claims are allowable for multiple reasons.

Accordingly, it is respectfully submitted that all Claims 18-28 are allowable.

Should the Examiner have any questions, please call the undersigned at (408) 382-0480 x202.

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September 30, 2008
Date of Signature

Respectfully submitted,

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